

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

James Franklin Heslep, IV,)
)
)
Plaintiff,) Civil Action No.: 9:17-cv-2357-TLW
)
)
v.)
)
)
Nancy A. Berryhill, Acting Commissioner)
of Social Security,)
)
)
Defendant.)
)

ORDER

Plaintiff James Franklin Heslep, IV brought this action pursuant to 42 U.S.C. § 405(g) to obtain judicial review of a final decision of the Defendant, Acting Commissioner of Social Security, denying her claims for Disability Insurance Benefits and Supplemental Security Income.

ECF No. 1. This matter is before the Court for review of the Report and Recommendation (the Report) filed on November 27, 2018, by United States Magistrate Judge Bristow Marchant, to whom this case had previously been assigned pursuant to Local Civil Rule 73.02(B), (D.S.C.). ECF No. 18. In the Report, the Magistrate Judge recommends reversing the Commissioner's decision and remanding the case. *Id.* On December 10, 2018, the Commissioner filed a notice that there are no objections to the Report. ECF No. 20. The matter is now ripe for disposition.

The Court is charged with conducting a *de novo* review of any portion of the Report to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained therein. 28 U.S.C. § 636. However, in the absence of objections to the Report, the Court is not required to give any explanation for adopting the Magistrate Judge's recommendation. *See Camby v. Davis*, 718 F.2d 198, 200 (4th Cir. 1983). In such a case, "a district court need not conduct a *de novo* review, but instead must 'only satisfy itself that there is no clear

error on the face of the record in order to accept the recommendation.”” *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

In light of this standard, the Court has carefully reviewed the Report, the relevant filings, and the applicable law and notes that the Commissioner has no objection to the Report. ECF No. 20. After careful consideration, the Court concludes that it is appropriate for the Administrative Law Judge (ALJ) to discuss whether Dr. Worthington’s testimony was accepted and why it was accepted or rejected. *See* ECF No. 18 at 12. The Court makes no determination as to whether further discussion of the evidence will change the ALJ’s final decision to deny benefits. It is hereby **ORDERED** that the Report, ECF No. 18, is **ACCEPTED**. For the reasons articulated by the Magistrate Judge, the Commissioner’s decision is **REVERSED** and this case is **REMANDED** to the Commissioner for further proceedings consistent with the Report and this Order.

IT IS SO ORDERED.

s/ Terry L. Wooten
TERRY L. WOOTEN
Chief United States District Judge

February 25, 2019
Columbia, South Carolina